

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MARTY HIRAM ELLIS,

Defendant.

8:08CR210

ORDER

Upon the representation that the defendant has no objection, and for good cause shown,

IT IS ORDERED that the government's motion to continue trial (Doc. 139) is granted, as follows:

1. The jury trial now set for November 3, 2009 is continued to **January 5, 2010.**

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 3, 2009 and January 5, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because the failure to grant a continuance would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. 3161(h)(7)(A) & (B)(iv).

DATED October 28, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge